



Entered on Docket  
August 24, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE  
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR  
Chapter 11

**Order Sustaining Fifth Omnibus Objection  
Of USACM Trust To Proofs Of Claim  
Based In Whole or In Part Upon  
Investment In The Mountain House Loan**

Hearing Date: July 26, 2011  
Hearing Time: 1:30 p.m.

The Court having considered the "Fifth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Mountain House Loan." ("Mountain House Loan") [DE 8551] (the "Objection"); the Court having heard the Objection on July 26, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on Exhibit A does not affect the direct lenders' right to

1 repayment by the borrower or from the collateral securing the Mountain House Loan; and  
2 good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8551] is sustained; and  
5 2. The claims listed on **Exhibit A** attached are disallowed to the extent those  
6 claims are based upon an investment in the Mountain House Loan.

7  
8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**

10  
11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.

13 John Hinderaker (*pro hac vice*)

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## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
Attorneys for USACM Liquidating Trust

# # #

**USACM Trust  
Mountain House  
Multiple Loan Claims**

<b>Claim</b>	<b>Date Claim was Filed</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Mountain House Business Park Loan</b>
10725-02162	12/11/2006	Goodwin, Michael John	555 Yellow Pine Rd Reno, NV 89511-3714	1,011,076.40	50,000.00
10725-01863	12/11/2006	Hubbard Trust Dated 7/29/1998	C/O George W Hubbard And Carol N Hubbard Trustees 6340 N Calle Tregua Serena Tucson, AZ 85750-0951	162,500.00	25,000.00
10725-02296	12/11/2006	Jayem Family LP	7 Paradise Valley Ct Henderson, NV 89052-6706	265,865.00	18,750.00
10725-02298	12/11/2006	Jayem Family LP Jacques Massa GP	7 Paradise Valley Ct Henderson, NV 89052-6706	936,807.81	75,000.00
10725-01242	12/11/2006	Johnson Family Trust Dtd 2/17/98	20802 N Grayhawk Drive # 1035 Scottsdale, AZ 85255	Unknown	Unknown
10725-01575	12/11/2006	Karr, Phyllis Living Trust Dtd 8/8/05	825 Cooper Basin Rd Prescott, AZ 86303	30,000.00	15,000.00
10725-01660	12/11/2006	Kehl, Robert J & Ruth Ann	Janet L Chubb, Atty. At Law Armstrong Teasdale LLP 50 W. Liberty, Suite 950 Reno, NV 89501	12,841,680.13	520,000.00
10725-01297	12/11/2006	Kiven, Norman	Andrew J Abrams Esq. Sugar Friedberg & Felsenthal. LLP 30 N Lasalle St Ste 3000 Chicago, IL 60602	1,040,000.00	Unknown
10725-01478	12/11/2006	Kiven, Norman	Andrew J Abrams Esq. Sugar Friedberg & Felsenthal LLP 30 N Lasalle St, Chicago, IL 60602	96,496.00	Unknown
10725-02174	12/11/2006	Lawrence H & Lorraine K Tengan Revocable Trust	Lawrence H & Lorraine K Tengan 504 Edgefield Ridge PL Henderson, NV 89012-4543	506,524.90	56,830.62

**EXHIBIT A**

2409553.1